

Re: Zoning - 1323 E Street SE

DCRA Customer Service <dcracs@dc.gov>

Fri 7/2/2021 5:53 PM

To: Holman, Corey (SMD 6B06) <6B06@anc.dc.gov>

Cc: LeGrant, Matt (DCRA) <matthew.legrant@dc.gov>; Phillips, Jason (DCRA) <jason.phillips@dc.gov>; Harris, Jameel (DCRA) <jameel.harris@dc.gov>; Beeton, Kathleen A. (DCRA) <kathleen.beeton@dc.gov>

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Good afternoon Commissioner Holman,

Thank you for informing us of ANC 6B's next steps regarding this matter.

I have spoken with the Zoning Administrator today on this, and I wanted to inform you of where we are regarding 1323 E Street SE.

At this time the representatives of the Doordash have informed us that they will be submitting a revision to permit #B2103902 to revise the parking layout to show the required zoning compliant parking in the front of the building. This revision will include a surveyor's plat showing the layout, size of the spaces and the property line. This permit revision will be reviewed by zoning for compliance, and the existing hold will remain in place until an approved permit is issued.

The Zoning Administrator has also determined that the existing loading berth, although non-compliant in terms of length, is a long existing feature and is therefore "grandfathered" in. Meaning the existing exterior loading area satisfies the required loading regulation in it's current state.

We have been informed that all required conditions will be met within the property line and OZA will not approve any parking in the public space.

In regards to the property currently in operation as it stocks supplies for an eventual opening, OZA has been informed by the building department that DCRA does not require a permit (or C of O) for a retail / storage establishment to stock their shelves, and no conditional Certificate of Occupancy would be required.

As you have informed us, ANC 6B will be challenging the issuance of the original permit #B2103902. As this process moves forward and if any new direction is given we will adjust our actions accordingly. Until such time, we will keep you abreast of this current review process as it progresses.

I hope this information is helpful.

Regards,

Tarek Bolden

Program Analyst | Zoning Compliance Division | Office of the Zoning Administrator
Department of Consumer and Regulatory Affairs

1100 4th Street, SW, Suite E340 | Washington, DC 20024
(202) 299-2196 (p) | (202) 442-4863 (f) | tarek.bolden@dc.gov | www.dcrs.dc.gov
](<https://outlook.office365.com/mail/compose/www.dcrs.dc.gov>)

Board of Zoning Adjustment
District of Columbia
CASE NO.20549
EXHIBIT NO.44E

On Fri, Jul 2, 2021 at 8:41 PM <tarek.bolden@dc.gov> wrote:

From: Holman, Corey (SMD 6B06) 6B06@anc.dc.gov

Sent: Wednesday, June 30, 2021 9:25 AM

To: josh@doordash.com; Kyrus.Freeman@hklaw.com; James Loots jloots@lootslaw.com; LeGrant, Matt (DCRA) matthew.legrant@dc.gov; McGraw, Esther (DCRA) Esther.McGraw2@dc.gov

Cc: Beeton, Kathleen A. (DCRA) kathleen.beeton@dc.gov; Bolden, Tarek (DCRA) tarek.bolden@dc.gov

Subject: ANC 6B Appeal of Building Permit B2103902

Good morning,

This email serves as service of notice that ANC 6B has filed their appeal of the issuance of Building Permit B2103902, for interior alterations, change of use, provision of a loading berth, provision of the required number of parking spaces, and provision of a dwelling unit in the PDR-1 zone. The Application, Statement of Appeal, ANC Authorization, and Building Permit being appealed are attached. The case record has further publicly available documents including surveyor documents, certificates of occupancy, and historic building permit plans. ANC 6B expects to supplement this appeal when the numerous revisions identified by DCRA staff are addressed through a permit revision, but we are forced to file this appeal now to ensure timeliness.

Thanks,

Corey

Corey Holman

Commissioner, SMD 6B06

Chair, ANC 6B Planning and Zoning Committee

Call/Text: 301-664-4132

Twitter: @CoreyHolman <https://twitter.com/coreyholman>

Website: <https://www.coreyholman.com/>

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Pronouns: he/him/his

DCRA is ready for the future. To learn more about our ambitious plans to further enhance the services we provide District residents and businesses, check out our 5-Year Strategic Plan. <https://www.dcrافutureready.com/>

On Thu, Jun 17, 2021 at 7:14 PM <dcracs@dc.gov> wrote:

Good afternoon Commissioner Holman,

Thank you for taking the time to speak with me yesterday afternoon regarding this matter. I have received your latest statement on the history of the loading area in front of the property, and have shared this with the Zoning Administrator. We will review your information promptly.

Thank you for your assistance with this.

On Wed, Jun 16, 2021 at 3:12 PM <dcracs@dc.gov> wrote:

Automatic Notification of New Conversation

On Wed, Jun 16, 2021 at 3:11 PM <nopkins@dccouncil.us> wrote:

Please add the additional attached photo, shared with me yesterday, to the DCRA Kustomer Complaint: R7Q-V188F..

Nichole Opkins, Senior Counsel
DC Councilmember Charles Allen, Ward 6
Chair, Committee on the Judiciary & Public Safety
Co-Chair, Special Committee on COVID-19 Pandemic Recovery
1350 Pennsylvania Avenue, NW Suite 110
Washington, DC 20004
t (202) 741-0949 | m (202) 258-9031
nopkins@dccouncil.us
Ward 6 News and Council Updates: Newsletterhttp://www.charlesallenward6.com/sign_up |
Twitter<https://twitter.com/cmcharlesallen/> | Website<http://www.charlesallenward6.com/> |
Facebook<https://www.facebook.com/CMcharlesallen/> |
Instagram<https://www.instagram.com/cmcharlesallen/>

Chair, Transportation Planning Board<https://www.mwcog.org/tpb/> – Metropolitan Washington Council of Governments

From: Corey Holman (SMD 6B06) 6b06@anc.dc.gov
Sent: Wednesday, June 16, 2021 10:48 AM
To: DCRACS (DCRA); Bolden, Tarek (DCRA); Opkins, Nichole (Council)
Subject: Re: Zoning - 1323 E Street SE

And if you're curious this is how DoorDash is treating the roadway in front of their site now. In addition to the zoning violations it's simply a nuisance use here that's unusable without violating parking and public space regulations hundreds of times per day. Looking forward to the ZA's synopsis.

(For your situational awareness ANC 6B will be filing their appeal tonight but really hoping it's not necessary to go through that process)

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Website: <https://www.coreyholman.com>

On Jun 15, 2021, 4:23 PM -0400, Holman, Corey (SMD 6B06) 6B06@anc.dc.gov, wrote:
Hi, I don't mean to harp on this but hoping we could get a final determination from the ZA on this soon. Thanks again for this and all your work so far.

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Pronouns: he/him/his

From: DCRA Customer Service dcracs@dc.gov
Sent: Thursday, June 10, 2021 2:54 PM
To: Holman, Corey (SMD 6B06) 6B06@anc.dc.gov
Subject: Re: Zoning - 1323 E Street SE

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Good afternoon Commissioner Holman,

I just got off of a conference call with The Zoning Administrator, the Deputy Zoning Administrator and the Chief Inspector about this property and business. The ZA is going to contact the representative of Doordash regarding getting some additional information that pertains to your concerns.

One thing to note is that I may have erred when I said that no parking or a loading berth may not be required. In consultation with the ZA he believes that must provide these features. However we are all in agreement that the existing features do not meet the Zoning standard.

There is a little more work to be done, but I will have more information for you soon.

Regards,

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www.dcradcra.gov

[<https://webmail.dccouncil.us/owa/>]

On Thu, Jun 10, 2021 at 12:40 PM <6b06@anc.dc.gov<mailto:6b06@anc.dc.gov>> wrote:

Thanks, Mr. Bolden. Just wanted to flag for you they applied to revise the underlying permit with permit B2108927. Not sure what they're revising but wanted to make sure you were aware. The description is "Doordash has a permit B2103902 that has been issued during the final inspection the inspector asked to have a few things noted on the cover sheet. First that the building would not need sprinkled and second that the rear egress exit did not need to be ADA accessible. We have updated the

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Good Morning Commissioner Holman,

My apologies for not seeing your message sooner. I will develop the synopsis of what we discussed today and have that out to you by COB. I am coordinating with the Deputy Zoning Administrator on the specific zoning code references that are involved.

I will contact you soon.

On Mon, Jun 7, 2021 at 9:52 PM <6b06@anc.dc.gov<mailto:6b06@anc.dc.gov>> wrote:
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Thanks again for your review and the discussion last Friday. Have a great evening.

-Corey

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Good afternoon Commissioner Holman,

I'm just following up on our phone conversation from Friday 6/4/21. I am still putting together the synopsis of the information we discussed and will outline the next steps regarding our zoning enforcement for 1323 E St SE.

If you have any other questions please let me know.

On Fri, Jun 4, 2021 at 4:32 PM <tarek.bolden@dc.gov<mailto:tarek.bolden@dc.gov>> wrote:

From: Holman, Corey (SMD 6B06) 6B06@anc.dc.gov<mailto:6B06@anc.dc.gov>
Sent: Thursday, June 3, 2021 3:35 PM
To: Bolden, Tarek (DCRA) tarek.bolden@dc.gov<mailto:tarek.bolden@dc.gov>
Cc: LeGrant, Matt (DCRA) matthew.legrant@dc.gov<mailto:matthew.legrant@dc.gov>
Subject: RE: Zoning - 1323 E Street SE

Thank you. Have a great evening.

-Corey.

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On Jun 3, 2021, 3:34 PM -0400, Bolden, Tarek (DCRA)
<tarek.bolden@dc.govmailto:tarek.bolden@dc.gov>, wrote:

Good afternoon Commissioner Holman,

We have received the concerns you have presented regarding the loading for 1323 E Street SE. We are reviewing the matter and will respond to your inquiry as soon as the analysis of the information is completed.

We will contact you soon.

From: Holman, Corey (SMD 6B06) <6B06@anc.dc.govmailto:6B06@anc.dc.gov>
Sent: Thursday, June 3, 2021 2:27 PM
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Cc: LeGrant, Matt (DCRA) <matthew.legrant@dc.govmailto:matthew.legrant@dc.gov>
Subject: Re: Zoning - 1323 E Street SE

Mr. LeGrant and Mr. Bolden, checking back in on this if you have a timeline on when you can review this permit? While I think it's clear the permit should be revoked at the very least we're hoping for confirmation from your office that you've reviewed the permit for compliance with the loading and parking requirements. The applicant will be opening soon and operating a warehouse and storage facility without required loading and parking, putting an undue burden on the surrounding residents while we go through this appeal process.

Our appeal when filed will contend that the previous CofO did not provide the required parking and did not include a loading zone as it was less than 5000 square feet of use per the CofO. Further, the previous applicant removed the existing required parking spots in front of the building by building a ramp in those spaces such that no parking can be provided. So this new permit and use must comply with the loading and parking requirements since it's both an expansion of 25% (906.1) and a change of use and the required spaces under the old CofO were removed. Further, there is no plat or site plan in the permit so there's a change you may not have even reviewed the parking and loading issues in the first place.

I am available to discuss this at any point at 301-664-4132 or over email.

Thanks,

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On Wed, Jun 16, 2021 at 3:08 PM <tarek.bolden@dc.gov> wrote:

Good Morning Commissioner Holman,

I have received you latest communication and the Office of the Zoning Administrator met recently again on this matter to discuss the options moving forward. I will get our final actions together today and have something concrete for you before your meeting tonight.

Thank you for your patience.

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Sent: Wednesday, June 16, 2021 10:49 AM
To: DCRACS (DCRA) dcrcacs@dc.gov; Bolden, Tarek (DCRA) tarek.bolden@dc.gov; Opkins, Nichole (Council) nopkins@DCCOUNCIL.US
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[URL%20FOR%20IMAGE%20IF%20YOU%20WANT%20IT]

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Thanks for your time and service to the District,

Corey

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Sent: Tuesday, June 1, 2021 8:46 AM

To: Bolden, Tarek (DCRA) <tarek.bolden@dc.govmailto:tarek.bolden@dc.gov>

Subject: Re: Zoning

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From: DCRA Customer Service dcrcs@dc.gov

Sent: Thursday, June 10, 2021 2:54 PM

To: Holman, Corey (SMD 6B06) 6B06@anc.dc.gov

Subject: Re: Zoning - 1323 E Street SE

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Program Analyst | Zoning Compliance Division | Office of the Zoning Administrator
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1100 4th Street, SW, Suite E340 | Washington, DC 20024

(202) 299-2196 (p) | (202) 442-4863 (f) | tarek.bolden@dc.gov <mailto:tarek.bolden@dc.gov> | www.dcr.dc.gov

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On Tue, Jun 15, 2021 at 11:25 AM <dcrcs@dc.gov> wrote:

Automatic Notification of New Conversation

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Sent: Thursday, May 27, 2021 1:03 PM
To: Bolden, Tarek (DCRA)
<tarek.bolden@dc.gov<mailto:tarek.bolden@dc.gov>>
Subject: Re: Zoning - 1323 E Street SE

Thanks for following up, Mr. Bolden.

Just want to reiterate the point of the inquiry so we're on the same page. Permit #B2103902 should not have been approved at the zoning review as zero legal parking spots and no loading berth are being provided, despite the assertions of the permit applicant. No site plan was included in the permit showing the parking spaces or loading zone. To be transparent, ANC 6B will be considering an appeal of this permit (and related CofO when it comes to that) at our June meeting but we would of course welcome the ZA's office to review the permit and revoke it administratively. I'm available for discussion at any point at 301-664-4132.

Thanks,

Corey

Corey Holman
Commissioner, SMD 6B06
Chair, ANC 6B Planning and Zoning Committee
Call/Text: 301-664-4132
Twitter: @CoreyHolman<https://twitter.com/coreyholman>

Website:

<https://www.coreyholman.com>

Pronouns: he/him/his

From: DCRA Customer Service <dcracs@dc.gov<mailto:dcracs@dc.gov>>

Sent: Thursday, May 27, 2021 12:34 PM

To: Holman, Corey (SMD 6B06)

<6B06@anc.dc.gov<mailto:6B06@anc.dc.gov>>

Subject: Re: Zoning - 1323 E Street SE

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Dear Corey Holman,

Thank you for contacting the Office of the Zoning Administrator (OZA) within the Department of Consumer and Regulatory Affairs (DCRA). I am in receipt of your inquiry which has been submitted to me for review and follow up. My goal is to address your inquiry to the best of my ability and as I work to do so, please let me know if you have any additional questions or concerns in the interim.

Regards,

Regards,

Tarek Bolden

Program Analyst | Zoning Compliance Division | Office of the Zoning Administrator

Department of Consumer and Regulatory Affairs

1100 4th Street, SW, Suite E340 | Washington, DC 20024

(202) 299-2196 (p) | (202) 442-4863 (f) |

tarek.bolden@dc.gov | <mailto:tarek.bolden@dc.gov> | www.dcracra.dc.gov

[URL%20FOR%20IMAGE%20IF%20YOU%20WANT%20IT]

On Tue, May 25, 2021 at 1:54 AM <dcracs@dc.gov<mailto:dcracs@dc.gov>> wrote:

Automatic Notification of New Conversation

On Tue, May 25, 2021 at 1:54 AM

<6B06@anc.dc.gov<mailto:6B06@anc.dc.gov>> wrote:

Assistance Category: Zoning

Case Address: 1323 E Street SE, Washington, District of Columbia, 20003

Case Description: Please have a zoning technician review permit

#B2103902 and revoke and require a special exception for not providing parking space and loading zone for warehouse use in a PDR-1 zone. The parking spaces and loading zone claimed to be provided are mostly in

public space and nonetheless don't meet the dimension requirements of the zoning regulations.

Thanks,

Corey

DCRA is ready for the future. To learn more about our ambitious plans to further enhance the services we provide District residents and businesses, check out our 5-Year Strategic Plan. <https://www.dcradfutureready.com/>

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On Thu, May 27, 2021 at 4:34 PM <dcracs@dc.gov> wrote:

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